

SENATE CHAMBER
AUSTIN, TEXAS, Monday, April 10, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senators Bowers and Flanagan.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of Friday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Pettit, "Petition of the County Court of Anderson in regard to levying a tax on dogs." Read and referred to the Committee on Finance.

Also, a "Petition from the County Court of Anderson county in regard to building poor houses." Read and referred to Committee on Public buildings.

By Senator Mills, "Memorial of citizens of Walker county asking for State aid for the Huntsville Branch Railway Company." Read and referred to Committee on Internal Improvements.

The following House bills were taken from file, read first time and referred as follows :

To the Committee on State Affairs :

House bill No. 343, "An act to incorporate the town of Winsborough, in Wood county."

House bill No. 385, "An act to incorporate the town of Lexington, in Burleson county."

To the Committee on Judiciary: House bill No. 409, "An act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter."

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Judiciary :

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: A majority of your Committee on Judiciary, to whom was

referred Senate bill No. 221, "An act to enforce compliance by public carriers with the provisions of section twenty-one, article one, of the Constitution, after careful consideration, instruct me to report the same back and recommend its passage, with the accompanying amendment.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Amendment to Senate bill No. 221, by Judiciary Committee :
Amend section two, line six, by inserting after the word "punished" the words "on conviction."

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 283, entitled "An act to incorporate the Texas Sleeping Car Company, after careful consideration, instruct me to report the same back and recommend its passage, with accompanying amendment.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Amendment to Senate bill No. 283, by Judiciary Committee :
Amend section seven, line two, by striking out the word "sole."

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 285, entitled "An act to validate certain acts of the County Court of Van Zandt county," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 10, entitled "An act to provide for transcribing the survey-

ors' records," after careful consideration, instruct me to report the same back and recommend its passage

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 212, entitled "An act to amend the seventy-first and ninety-second sections of 'an act to regulate the proceedings in the district courts,' approved May 13, 1846," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 218, entitled "An act to authorize the county court of Titus county to issue interest bearing bonds, and to levy a tax to pay the same," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 269, entitled "An act for the protection of poor persons in cases of appeal in civil suits," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,
President of the Senate: .

SIR: Your Committee on Judiciary, to whom was referred House bill No. 250, entitled "An act to authorize the city council of the city of New Braunfels to levy and collect a special tax," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 251, entitled "An act to amend chapter one of title twelve of the Penal Code of the State of Texas," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman,

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 260, entitled "An act amendatory of an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred

House bill No. 264, entitled "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Reports read and laid over under the rules.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 262, entitled "An act to establish a bridge across the San Gabriel river at or near the Compton crossing, below the mouth of Brushy creek," after careful consideration, instruct me to report the same back and recommend its passage with the following amendment: Strike out the words "free of tax" in section three.

Respectfully,

J. G. BELL,
Chairman.

Report read and laid over under the rules.

Report of Committee on Education:

COMMITTEE ROOM,
AUSTIN, April 7, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Education, to whom was referred House bill No. 280, entitled "An act to incorporate the West Fork Male and Female College," have had the same under careful consideration, and the majority thereof instruct me to report it back to the Senate with the recommendation that it do pass.

Respectfully,

E. PETTIT.
Chairman.

Report read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and

compared substitute for Senate bill No. 35, "An act to amend an act entitled 'an act to incorporate the city of Columbus, and for other purposes,' approved August 5, 1870," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received, and substitute for Senate bill No. 35 carried to the House, with the action of the Senate.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, April 8, 1871

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 321, entitled "An act to authorize the County Court of Dallas county to levy and collect a special tax for the building of a court house, after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 328, entitled "An act to incorporate the International Insurance Company," after careful consideration, instruct me to report the same back and recommend its passage with accompanying amendment.

Respectfully,

S. W. FORD,
Chairman.

Amendment to Senate bill No. 328, by Committee on State Affairs: Amend section eight, line nine, by inserting after the word "securities" the words "or mortgages or deeds of trust on unincumbered real estate."

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 309, entitled "An act concerning quarantine regulations by counties and other corporations," after careful consideration, instruct me to report the same back, and recommend that it do not pass.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 332, entitled "An act to incorporate the town of Henderson, in the county of Rusk," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 443, entitled "An act to incorporate the Northern Bank of Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 125, entitled "An act to amend an act entitled 'an act to incorporate the Galveston City Company,' approved February 5, 1841," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

Reports read and laid over under the rules.

Report of Committee on Stock and Stock Raising :

COMMITTEE ROOM,
AUSTIN, April 7, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 277, entitled "An act to amend an act entitled 'an act to incorporate the Agricultural Stock Raising and Industrial Association of Western Texas,' approved July 8, 1870," instruct me to report the same back, without amendment, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

Report read and laid over under the rules.

REPORTS OF SELECT COMMITTEE.

Senator Ruby presented the following majority report of Select Committee of Investigation relative to the loss of certain interrogatories and answers in the case of Hon. J. E. Dillard, of the Third Senatorial District :

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL.

President of the Senate :

SIR: A majority of your Select Committee of Investigation relative to the loss of certain interrogatories and answers in the case of Hon. J. E. Dillard, from the Third Senatorial District of Texas, have carefully examined the facts elicited from sworn testimony concerning the same, and, as the result of their investigation, submit the following report :

We find: The entire evidence in the case was placed in the hands of Senator Dillard for examination the night (March 29) preceding the day the majority report of the Committee on Privileges and Elections was made to the Senate by the chairman of said committee. On the morning of March 30, Mr. Dillard returned the evidence to the Chairman of the Committee on Privileges and Elections, who, without an examination, or even the untying of the bundle of evidence, presented the same with his report to the Senate. Messrs. Broughton and Cole, the minority of the Committee on Privileges and Elections, state that their report was predicated on an examination of the testimony in the case had some three weeks

prior to the rendering of the report by committee; that, though Mr. Dillard took the bundle of papers—evidence in the case—to his room on the night preceding the day the case was reported to the Senate, yet said testimony was not examined by the minority of the Committee on Privileges and Elections.

The statement of the chairman of the Committee on Privileges and Elections (Senator Baker) corroborates the testimony relative to the disposal of the evidence on the night of the twenty-ninth of March; and the additional fact is elicited that the bundle of evidence was furnished Mr. Dillard by the chairman of the committee, under the impression that it, the evidence, was desired to assist in the making up of the minority report. The chairman of the Committee on Printing (Senator Fountain) did not receive the evidence in the case from the Secretary of the Senate; but that officer testifies he handed the evidence to Mr. Tunstall, acting clerk of the Committee on Privileges and Elections, who, under the direction of the chairman of said committee, agreed to superintend the printing.

Mr. Tunstall states: he received the bundle of evidence on the morning of the thirtieth of March; that he carried the same to the office of the Public Printer, who, being away at dinner, he (Tunstall) passed on to his own boarding place for the purpose of eating his dinner, where he remained sufficiently long to permit his roommate, Colonel Monroe, to read over a portion of the evidence—his own (Monroe's) testimony; and then Tunstall carried the evidence to the printer, who, in publishing the same per directions furnished by Senator Dillard, noticed, through the suggestion of Mr. Tunstall, that a portion of the evidence was missing.

Senator Dillard was at once apprised of the loss by the foreman of the book room, Mr. Gray, in the Journal office, who stated that said missing interrogatories and answers had not been received at the office, as he (Gray) had written memoranda of the papers in the evidence given to him.

Mr. Dillard is confident that all the papers were returned by him to Senator Baker, especially that portion of the evidence alleged to be lost, since on the morning of the 7th inst. he searched through all his papers, and knew they were not in his possession; and further states that he saw the evidence several times, and was permitted to take the same to his room to assist Senators Broughton and Cole in making up their minority report; that this evidence he returned, with the balance of the papers, to Senator Baker about a week previous to his testifying (which was on the 7th inst.); he thinks it was on the morning the report of the Committee was made. Mr. Dillard also says: "I recollect, though, running over the caption of the papers just before I returned them to Senator Baker, without un-

doing them, and to the best of my recollection the missing package was there."

Mr. Tunstall asserts that no such evidence alleged to have been lost ever came into his hands to be furnished to the printer.

The Secretary of the Senate, in his testimony, states that he handed the bundle of evidence to Mr. Tunstall, tied up in the same condition as when he received it, and without any knowledge of its contents.

General A. T. Monroe, in his testimony, states that he asked Mr. Tunstall to let him look at the package of papers (the evidence in the Dillard and Lane case) and he did so; that he looked over his own and one or two others, and handed all the package back to Judge Tunstall, that is, all he handed to him (Monroe); that he did not look to see if all the papers were there, as he did not remember them all, and that some papers might have been missing without attracting his attention, and that he did not remember having seen any interrogatories among the papers handed to him by Judge Tunstall, who was present while he (Monroe) was looking at them, which did not occupy more than five minutes.

S. Alexander Gray, in his testimony, states that the copy in the case of the Hon. James E. Dillard was delivered to him to print on Thursday, the 30th day of March, with a programme of instructions from Senator Dillard as to the order in which the evidence for the defense should be printed; that when he found there was no copy answering to certain items in the programme he immediately informed the clerk of the Committee on Privileges and Elections, and Senator Dillard, of the fact; that this information was given them about five days after the first copy was received.

Your committee cannot find any trace of the missing evidence after it was placed in the hands of Mr. Dillard, for examination, on the night of March 29, and therefore would respectfully report that said evidence was abstracted from the bundle of papers in the case by some person or persons to them unknown.

As Mr. Dillard, in his testimony before the committee, states, that "this evidence I regard as all important in my case, as all the parties sworn were men of position," etc. Your committee would further report that this evidence consists of the testimony of R. B. Reagan, sheriff of Cherokee county, Nat. Hillen, Geo. W. Taylor, Daniel Egbert and J. W. Vining, and all of which is substantially the same as that given by said parties before the House Committee on Privileges and Elections in the case of Hons. A. D. Elam and J. C. English, as per printed report of said committee, and therefore respectfully submit that no further postponement of the case is

advisable or necessary, and that the Senate should take action thereon at once.

G. T. RUBY,
S. W. FORD.

Senator Dohoney presented the following minority report :

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned, Chairman of your Select Committee appointed to inquire into and report the facts in reference to the loss of certain evidence taken before the Senate Committee on Privileges and Elections, in the case touching the right of the Hon. J. E. Dillard to a seat in this body, having had that matter under consideration, and having differed with the majority of your committee, begs leave to submit this minority report. He says that in obedience to the power conferred by the Senate on said committee, he summoned before it the following witnesses, to-wit: Senators Fountain, Baker, Broughton, Cole and Dillard; also, C. C. Allen, C. M. Campbell, Alex. Gray, W. V. Tunstall and A. T. Monroe, each of whom gave his deposition, and all of said depositions are submitted herewith, and asked to be made a part of this report.

He further states, that the evidence clearly discloses the following facts, to-wit: that the depositions of G. W. Taylor, Nat. Hillen, R. B. Reagan, J. W. Vining and Daniel Egbert, taken as evidence for Senator Dillard and used by him as such in the investigation of the aforesaid case before the Senate Committee on Privileges and Elections, are now lost, and there is no probability that these depositions can ever be recovered. That said depositions are material evidence for said Senator J. E. Dillard, and, in the opinion of your reporter, were not lost by any act or negligence on his part.

The materiality of the lost evidence to Senator Dillard was sufficient of itself to demand of him reasonable diligence for its preservation. And the evidence taken by your committee indicates that the Senator exercised such diligence. It appears from the evidence taken by your select committee that Senator Baker, chairman of the Committee on Privileges and Elections, on the day before making his report in the Dillard election case, let Senator Dillard have the papers. Senator Dillard swears positively that on the morning that the report was made (March 30, 1871,) and a few minutes before the Senate was called to order, he returned the papers to Senator Baker, and that the depositions now lost were then with the papers. Senator Baker swears that when he made his report, but a short time afterwards, he handed the papers into the Senate with his report, just as he had received them from Senator Dillard.

C. C. Allen, General Clerk of the Senate, swears that the papers were received by him when handed into the Senate by Senator Baker, and were not handled by any other person while they remained in the Senate Chamber; that the Senate ordered two hundred copies of the report and accompanying evidence printed, and that he, on the same day suggested to W. V. Tunstall that he (Allen) had not time to attend to the printing, and that Tunstall had better get an order from Senator Baker for the papers, so that he (Tunstall) might superintend the printing. That Tunstall afterwards returned to him with a written order or request from Senator Baker for the papers, and that they were delivered on this order to Tunstall, exactly in the condition in which they were received from Senator Baker.

C. M. Campbell, Secretary of the Senate, corroborates this statement, and makes the written request of Senator Baker, upon which the evidence was delivered to Tunstall, a part of his deposition.

Senator Fountain, Chairman of the Committee on Printing, swears that it was his duty to cause to be printed all documents ordered printed by the Senate; that he called on the Secretary or General Clerk of the Senate to get the report and papers in the Dillard case, in order that he might take them to the printing office to be printed as ordered by the Senate; but was informed that said papers had already been sent to the printing office, on a request from the Chairman on Privileges and Elections.

W. V. Tunstall swears that it was about 1 o'clock P. M. the day the report was made in the Senate (March 30) that C. C. Allen suggested that he get a written order from Senator Baker for the papers; that he went to Senator Baker, got the written order or request, and returned about two o'clock P. M. of the same day, and then received the papers from the Secretary of the Senate; that he went immediately to the STATE JOURNAL office, but not finding Mr. Wheelock, the editor, in his office, witness went to dinner, taking the papers with him in his saddle-bags, and placed the saddle-bags in his room while at dinner. That Gen. A. T. Monroe was his roommate at the time; that he permitted Monroe to examine a portion of the evidence, but that no person but himself and Monroe handled the papers. That he returned to the JOURNAL office that evening, and left a part of the evidence with Mr. Wheelock, but retained and carried away a portion of the papers, including all of Senator Dillard's evidence; that he returned again, either the same evening or next morning, and left the balance of the papers with Mr. Gray, foreman of the JOURNAL office; that at the same time he delivered to Mr. Gray a memorandum made out by Senator Dillard showing the order in which he wanted his evidence printed. That witness

called over the memorandum, while Mr. Gray examined the papers for the depositions in the order called for; that witness then discovered that the lost depositions were not among the papers. He swears that the lost depositions were not delivered at the JOURNAL office, and that they were not lost while in his possession.

S. Alex. Gray, foreman of the STATE JOURNAL office, swears, that he caused to be printed all the papers left at the office by Mr. Tunstall, and that the lost depositions were not among the papers when they came to the printing office, but that he did not discover their absence until four or five days after he received the papers, when he immediately informed Senator Dillard.

Taking the evidence altogether, I am forced to the conclusion that the lost depositions were with the other papers when they were delivered to W. V. Tunstall, about 2 o'clock P. M., March 30, 1871; but that they were not with the other papers when delivered to Mr. Gray, at the STATE JOURNAL office.

I am satisfied, from the investigation made by your select committee, that the lost evidence will never be recovered, and that it is material evidence for Senator Dillard; and, therefore, as a matter of simple justice to Senator J. E. Dillard, respectfully recommend that he be allowed sufficient time to retake the depositions of the afore-said witnesses.

E. L. DOHONEY,
Chairman.

Evidence taken before the Select Committee appointed by the Senate to inquire into and report the facts in reference to the loss of certain evidence taken before the Senate Standing Committee on Privileges and Elections, in the case of Hon. J. E. Dillard, Senator from the Third Senatorial District of Texas :

Senator Fountain sworn : I am a State Senator; am Chairman of the Committee on Printing; it is my duty as chairman of said committee, to cause to be printed all documents ordered printed by the Senate. The report of the Committee on Privileges and Elections, submitted to the Senate March 30th, was ordered printed; two hundred and fifty copies were ordered; when I applied to the Secretary or General Clerk of the Senate for the report, in order that I might take it to the printing office, I was informed that it had already been sent; that the Chairman of the Committee on Privileges and Elections had requested that all the papers submitted with the report, together with the report, be handed to the Clerk of the Committee on Privileges and Elections, in order that he might ar-

range them in proper order for publication; upon inquiry at the printing office I was informed that the report and accompanying papers had been received at the office and were being printed. A few days afterward I was informed by Senator Dillard that certain papers belonging to and being a part of the report were missing; I inquired at the printing office about the matter and was informed that the papers then in the office were all that had been received from the Senate. I never saw the papers; never had them in my possession, and do not know whether or not the papers that are said to be missing were ever sent to the printing office or were ever in possession of the Senate. Senator Baker is chairman of the Committee on Privileges and Elections; I have been told that Mr. Tunstall was acting as clerk, but do not know of my own knowledge that such was the case. I was informed that Mr. Tunstall received the report and papers from Mr. Allen, the General Clerk; Mr. Allen so informed me. In answer to the question whether I knew the character of the papers accompanying the report, I reply that I did not; I have before said that I never saw the report or the papers accompanying it; neither the report or the papers were ever in my possession.

A. J. FOUNTAIN.

Sworn to and subscribed before me this April 6, 1871.

E. L. DOHONEY, Chairman.

C. C. Allen, General Clerk of the Senate, being sworn, states: That on the thirtieth day of March, the Committee on Privileges and Elections made a report to the Senate on the elections in Cherokee county; accompanying said report was certain evidence; the report was sent to the printer as a part of the journal, and two hundred copies of the evidence ordered to be printed; said papers were not examined by myself and were delivered to W. V. Tunstall on a written request or order from Senator Thomas H. Baker, Chairman of the Committee on Privileges and Elections, and the order filed by the Secretary of the Senate. I understood that Mr. Tunstall was familiar with the papers and the forms in which they should be printed, and suggested that he get the proper authority from Senator Baker, as he would be a good person to attend to their printing. I had the impression that he was acting as clerk of the committee, and therefore would be familiar with the papers and the order in which they should be arranged, and on that account suggested the propriety of his seeing to the printing. The papers were handed to me at the Calendar Clerk's desk, and I believe were never examined.

or handled by any one but myself before being handed to Mr. Tunstall.

C. C. ALLEN.

Sworn to and subscribed before me, April 7, 1871.

E. L. DOHONEY,
Chairman.

C. M. Campbell, Secretary of the Senate, being sworn, states : That on the thirtieth day of March I received an order from Senator Thomas H. Baker, Chairman of the Committee on Privileges and Elections, requesting me to deliver to Judge Tunstall the papers concerning the Cherokee election, and that he (Tunstall) would attend to the publication of the same; the papers were never examined by me, and I knew nothing of their contents. I delivered them to Judge Tunstall on the order.

The following is the order received from Senator Baker marked "Exhibit A," and attached hereto.

C. M. CAMPBELL.

Sworn to and subscribed before me, April 7, 1871.

E. L. DOHONEY,
Chairman.

EXHIBIT A.

The Secretary of the Senate will (if he has not time to attend to it himself) give the papers to Judge Tunstall in order that he may arrange them for publication, in the Cherokee county case.

Respectfully,

THOS. H. BAKER.

March 30, 1871.

Statement of Senator Thos. H. Baker in relation to the lost depositions in the cause, viz: the Cherokee elections: From the commencement of the investigation of this cause, I, as Chairman of the Committee on Privileges and Elections, at the request of Senator Dillard, gave him possession of the evidence almost every evening, he (Senator Dillard) stating that he wished to examine it himself, and wished also to show it to his attorney, Colonel West; I also, as chairman of the committee, at the request of Senator Dillard, gave him all the papers in the case, that they might go before the House committee; I had the utmost confidence in Senator Dillard's returning the same, and took no receipt for said papers; at the meeting when the case was voted upon and decided, the minority wished time to present a minority report; I, as chairman of com-

mittee, said to Mr. Dillard and the minority of the committee that I would make out the majority report and give it to them, as also all the papers, in order that they might have a fair showing and a good chance to make out their report; Senator Dillard took my report, with all the evidence in the case, and when he returned them to me I am of the opinion that I did not open the package, believing that Colonel Dillard's position as a Senator, nothing else considered, was sufficient to satisfy me that the papers would all be returned; I presented the majority report with the papers just as I had received them from Senator Dillard; do not know whether the lost depositions were in the package or not; on Friday before I left for Lockhart, Judge W. V. Tunstall called on me and stated that the Secretary of the Senate had said to him that he did not have time to attend to the printing of the evidence, etc., and that if I would consent, he, the Secretary, would turn the papers over to him to superintend the printing: I remarked that so far as I was concerned, I had no objection, and gave him my consent in writing, but was fully satisfied that I had no more to do with the papers after I made my report. This is all I know about the matter.

THOS. H. BAKER.

There were included among the papers the depositions of R. B. Reagan, G. W. Taylor, Nat. Hillen, Dan. Egbert and J. W. Vining, to the best of my knowledge.

THOS. H. BAKER.

Sworn to and subscribed before me, April 6, 1871.

E. L. DOHONEY,
Chairman.

E. T. Broughton being sworn, states: That when he was appointed a member of the Committee on Privileges and Elections the most of the evidence had been taken in the contested case from Cherokee county, and the chairman of the committee allowed him to take it to his room and keep it there two or three days in order that he might examine and familiarize himself with it. The evidence was carefully kept by him during the time he had it in his possession, and was turned over by him to Mr. Slater, the clerk of the committee. The missing evidence was with the other, tied up, while he had it in his possession, and was in the bundle when Mr. Slater received it. He did not have the evidence in his possession at the time he wrote the minority report; the time he had it in his possession was two or three weeks prior to the time that the minority report was written. He knows nothing as to the whereabouts of the

missing evidence since he had it in his possession. I considered the missing evidence material.

E. T. BROUGHTON.

Sworn to and subscribed before me this April 6, 1871.

E. L. DOHONEY,
Chairman.

Statement of J. E. Dillard: Interrogatories and cross-interrogatories were propounded about the twenty-eighth of January, 1871, to R. B. Reagan, the sheriff of Cherokee county, who was present at the late special election in said county; also, to Nat. Hillen and George W. Taylor, resident citizens of said county, who were selected by the judges and stood guard around the polls all the time of said election; also, to Daniel Egbert and J. W. Vining, who were selected to count out the vote; these interrogatories which were very numerous, were fully answered and returned to the chairman of the Committee on Privileges and Elections, I think, some time about the first of March. I saw the evidence several times, and was permitted to take it (the evidence) to my room, for Senators Broughton and Cole to look over to make out their report. This evidence I returned with all the balance of the papers to Senator Baker, about one week ago; I think it was the morning the reports of the committee were made; at the time I returned the papers to Senator Baker, I handed him a written direction as to how the evidence should be arranged when printed, assigning a proper place in the programme for these interrogatories and their answers. On yesterday morning a young man came to my desk in the Senate Chamber, who told me he worked in the JOURNAL office, and showed me the written directions that I had given to Senator Baker concerning the testimony, and told me the interrogatories and answers called for in them were missing, and asked me if I knew where they were, stating to me at the same time that they had not been received in the JOURNAL office. I immediately went to Senators Hertzberg and Fountain and told them what had happened, and after consulting with them and other Senators about the matter, we agreed to await until Senator Baker returned. After his return, he informed me that the papers were not in his possession.

I am confident that all the papers were returned by me to Senator Baker, especially this portion of the evidence; since this morning I have searched through all my papers and know that they are not in my possession, which makes me positive that I did so.

This evidence I regarded as all important in my case, as all the parties sworn were men of position in my county and in good repute with all parties, and in positions that enabled them to see more of

said election than any others who could be called. I got the evidence the evening before the reports were made from the porter who kept the room for the Committee on Privileges and Elections, by order of the chairman, Senator Baker, and carried them over to my room for Senator Broughton to look at. Senator Broughton was there but did not look at the papers, nor untie them. To the best of my recollection the bundle was not untied by me nor any one else that I know of until I returned them to Senator Baker next morning, which I did just before the Senate was called to order; I recollect, though, running over the caption of the papers in the Senate Chamber just before I turned them over to Senator Baker, without undoing them, and, to the best of my recollection, the missing depositions were in the package. The young man alluded to above as coming to me from the JOURNAL office, I have since learned, was a Mr. Gray; he came to me, as before stated, at my desk in the Senate Chamber, on the morning of the fourth instant.

J. E. DILLARD.

Sworn to and subscribed before me, April 7, 1871.

E. L. DOHONEY,
Chairman.

William V. Tunstall being sworn, states: By request of Senator Baker, Chairman of the Senate Committee on Privileges and Elections, I wrote the report of the said committee touching the legality of the seat of Hon. James E. Dillard; after the report had been read and ordered to be printed, Mr. Allen, General Clerk, voluntarily informed me that he had the papers and that he had no time to attend to the printing and asked me if I could attend to it; I replied that I could; he then told me to see Senator Baker, which I did, who gave me a written request to the Secretary of the Senate for said papers; I handed it to Mr. Allen who called Mr. Campbell's, the Secretary, attention to it; Mr. Campbell then authorized Mr. Allen to hand me the papers; I took them to the printing office and gave the foreman in the book room the verbal order in which to arrange the testimony of the State's witnesses, Senator Baker having handed me a note from Mr. Dillard stating the manner in which he desired his testimony arranged; I read it to the foreman, he numbering as I read; when we reached the interrogatories now missing they could not be found among the papers; Senator Baker being absent I asked Mr. Allen if he was sure he gave me all the papers given him by Senator Baker; he told me that he had; I asked Mr. Parsons, Assistant Secretary of the Senate, to say to Mr. Dillard that the interrogatories in question were not among the papers, and to ask him if he had any knowledge of them; I received no reply; Mr. Parsons will give you his answer.

I then went to Mr. Elam of the lower house and stated the case to him, and asked him to see Mr. Dillard about it, but he seemed to take no interest in the matter. The foreman of the printing office then came up to the Senate Chamber to see Mr. Dillard, and they two came to me. I told them that I had not succeeded in finding the testimony; Mr. Dillard just remarked that it was devilish strange, and stepped to Senator Fountain, who with Dillard opened and examined Senator Baker's desk, but without result.

On yesterday, after the testimony and report had been printed, Senator Dillard approached me—I was then sitting with Senator Latimer—and asked me if I had found those interrogatories yet? to which I replied, I had not. He then said that he could not go into trial without that evidence, and that he would have to send home again and have them taken over. He further stated to me that some man would catch hell about that evidence.

I gave all the testimony to the printer that Mr. Allen handed to me, and Mr. Allen handed it to me done up in the manner that Senator Baker usually kept it.

At one time, thinking that some one of the same committee in the lower house might have asked for it for some purpose, which had been done in one instance as Senator Baker told me, I inquired of the Hons. John H. Morrison and Mr. Gardiner.

At the time of the interview with Mr. Dillard, in the presence of Senator Latimer, I said to him that if he desired he could, by seeing the committee, substitute the interrogatories before the House committee in lieu of those lost, or that he could draw up the substance of said depositions and have them certified to by the committee, and have that published, but he said no! he would send back and have the interrogatories taken over again.

[The remainder of this testimony is in answer to questions propounded.]

Mr. Allen gave me the evidence on the same day that the report was made to the Senate, at about 1 o'clock P. M. I made no note of the time. One gentleman was present at the time, but having no conversation with him I now do not remember who it was, but am informed it was Mr. Campbell, the Secretary of the Senate. I went to Senator Baker, obtained the request, and returned about 2 o'clock and received the papers. These papers were handed to me in the presence of Mr. Campbell, who was at that time called by Mr. Allen. I then and have since recognized him as Mr. Campbell, Secretary of the Senate. Up to that time I had no acquaintance with Mr. Campbell. This is my recollection of this matter. I went from the Capitol to the printing office, and finding the editor, Mr. Wheelock, not in his office, and supposing he had gone to dinner, I

went to my own dinner, and returned and gave a part of the testimony to Mr. Wheelock, and all finally to the printer, whom I have since known as Mr. Gray. I think it was between 3 and 4 o'clock P. M. When I stepped into the book room no one that I remember gave me more than a passing notice, since I was a stranger to all present, as far as I then saw. After returning from dinner I left Mr. Monroe's testimony, and some others of the State's witnesses, on Mr. Wheelock's desk, which was sent to Mr. Gray by some unknown person to me, and afterwards gave Mr. Gray the remainder of the testimony, together with Mr. Dillard's memorandum or order in which he wanted his testimony arranged in the printed testimony. My recollection is that the whole of the testimony was given to him between that and sunset of the same day. It might have been next morning, but do not think it was. I read Mr. Dillard's memorandum to the printer, as I believe, at the time I gave him the rest of the testimony for the State and the whole of the testimony for the defense.

The reason why I gave Mr. Wheelock some of the testimony was that I could not get to see Mr. Heffter, the business man of the office, as soon as I desired, and as the office was without work at that time, to facilitate business.

I did not see Mr. Heffter at all. I gave the matter all the dispatch in my power. At the time that I read the memorandum and he numbered the evidence I discovered the absence of the interrogatories in question. At the time the question arose as to whether the interrogatories bearing upon the validity of the testimony of L. D. Saunders was or was not the interrogatories meant by Dillard, Mr. Gray was of the opinion that they were and I insisted they were not. During the printing, I suggested to the printer to suspend the printing until Senator Baker returned, which he said he could not do. In the meantime Senators Fountain and Ruby saw the printer and authorized him to go on and finish the printing, as the printer informed me.

The interrogatories in question were missed at the time of numbering the testimony, and I am satisfied in my own mind that I told him (Gray) so at the time. He afterwards told me he believed the interrogatories in question were not the ones received from me pertaining to L. D. Saunders's testimony. On going to dinner, I put the testimony in my room in saddle-bags; I took it out of the saddle-bags myself. No one handled the testimony but myself, except General Monroe, who looked over his own testimony, and no one else. I am satisfied no one did have access to that testimony while I was at dinner. General Monroe is my room-mate; he did not read all of his own testimony; he may have scanned some other tes-

timony. All the witnesses had access to the testimony when it was in the hands of the chairman or Judge Varnell, the old clerk, as well as when Mr. Slater, who finished up the evidence after Judge Varnell's death. Senator Baker told me not to publish any irrelevant testimony, and I asked General Monroe if he thought it advisable to publish various applications of Senator Dillard for more witnesses and for taking more interrogatories. Colonel Lane, who boards at the same house with myself, did not see it or know I had it.

If General Monroe had not been rooming with me, he would not have seen it; it was on this account that he saw it at all; he did not have this testimony at any time when I was absent; he could not possibly have mislaid any of said testimony, for he was in my immediate presence; he was only looking at it a few minutes, as I was in a hurry to get it to the printer. I did not find the certificate of J. T. Gibson as given in Dillard's memorandum, and authorized the printer to publish the certificate of the same party as taken by the Legislative committee, without consulting Mr. Dillard. I at one time told the printer to copy the interrogatories taken for the committee of the lower house, and saw the printer mark them for that purpose, but afterwards told him to wait until I saw Dillard, and if he would not consent to it, not to do so; I spoke to Mr. Dillard about it and he would not agree to it, and so I did not have it done; the pamphlet was closed without it.

I published all the testimony that came into my hands; I feel conscious that it was impossible for any of the papers handed to me to have been lost, mislaid or extracted from me from the time they came into my possession until I delivered them to the printer, and I am equally conscious that I did not put the interrogatories in question into the hands of the printer. The interrogatories taken before the House committee were partly set up once to be printed in the testimony, but were not printed for reasons which have been given. Gen. Monroe is not a contestant for a seat in the lower house; nor is Col. Lane a contestant for a seat in the Senate. The investigation of the election case was upon the motion of the two houses of the Legislature. Lane was a candidate for the Senate, and Monroe for the House. These gentlemen were summoned at their homes to attend the respective committees of the two branches of the Legislature. Lane ran against Dillard for the Senate, and Monroe was a candidate for the lower house. I was a witness in this election case, not as to the merits of the case but as to the validity of the testimony of certain of the witnesses. I was generally present at the investigation by the Committee on Privileges and Elections. I felt a deep interest in this election case, as it involves the freedom of elections not only in that, my own district,

but in the State at large. I took part in getting at the whole truth in the investigation. Senator Baker then asked me that, as I was acquainted with witnesses, and knew what each witness would probably state, to assist him by way of suggestions as to questions. He asked me to attend the sittings of the committee. I believe, from the testimony, that Senator Dillard ought to be unseated. I state, in round numbers, that, to the best of my knowledge, I did not have those interrogatories, and that they were not in the package when I received it from Mr. Allen. When I wrote the majority report I had those interrogatories. I turned these depositions over to Senator Baker when I handed him the report. I gave Mr. Wheelock a portion of the testimony only, and that of the prosecution, that the printer might go to work on the printing at once, and withheld what I did that I might give the order of printing to the foreman in person, (first wishing to see Mr. Heffter, the business man of the office) especially as I had Senator Dillard's memorandum. I had not compared his memorandum with the testimony and did not do so until I went to the printer.

WM. V. TUNSTALL

Sworn to and subscribed before me, April 7, 1861.

E. L. DOHONEY.

Chairman.

S. A. Gray being sworn states: I hereby certify that my name is S. A. Gray, that I am foreman in the STATE JOURNAL office, that in the case of the Hon. James E. Dillard before the Committee on Privileges and Elections I received the copy of the proceedings before said committee and superintended the printing of the same, and that the pamphlet furnished the Senate entitled "Reports of Committee on Privileges and Elections in the case of Hon. James E. Dillard," is a true and correct reprint of *all* copy furnished me by the clerk of the Senate Committee on Privileges and Elections (W. V. Tunstall) the original copy of which is herewith returned. The copy in the above case was delivered to me to print on Thursday the 30th day of March, to the best of my recollection. In connection with the above mentioned copy, Mr. Tunstall also handed me a programme of instructions from Senator Dillard as to the order in which the evidence for the defense should be printed, but I failed to discover among the copy the item under number five of said programme, entitled "Interrogatories propounded to J. W. Vining," etc; also under item nine, certificate of J. R. Montgomery," also item eleven, "Statement of vote for Senator and Members at the election in 1869." The above three items comprise all that I found missing from the programme. The programme referred

to is attached hereto, marked exhibit "A." When I found there was no copy answering to the above mentioned items, I immediately informed the clerk of the Committee on Privileges and Elections and Senator Dillard of the fact, in order that I might close the work; this information was given these gentlemen about five days after the first copy was received.

S. ALEX. GRAY.

Sworn to and subscribed before me this April 6, 1871.

E. L. DOHONEY,
Chairman.

EXHIBIT A.

SENATE CHAMBER,
AUSTIN, March 27, 1871.

Hon. Thos. H. Baker, Chairman Committee on Privileges and Elections:

DEAR SIR: In the publication of the evidence in the Cherokee election case please have the evidence for defense arranged as follows:

1. The evidence of O. Teagarden.
3. The evidence of James Walker.
3. The evidence of Judge S. P. Donley.
4. The evidence of M. A. Gaston.
5. Interrogatories propounded to J. W. Vining, George Taylor, Nat. Hillen, Dan. Egbert.
6. Answers to interrogatories in the order they were taken.
7. Certificate from Comptroller concerning L. D. Saunders's taxes.
8. Certificate of J. T. Gibson, one of the judges of the election.
9. Certificate of J. R. Montgomery.
10. Certificate of citizens of Rusk, with Gaston's certificate.
11. Statement of vote for Senator and members at the election of 1869.
12. Official return of said election held in 1870.

Yours, truly,

J. E. DILLARD.

General A. T. Monroe, being duly sworn, states: I was in my bed room, lying on the bed, when Judge Tunstall came in with a package of papers, and told me that they were the papers in the Dillard and Lane case. He said that Judge Baker had got him to superintend their publication. I asked him to let me look at them and he did so. I looked over my own and one or two others. I had sup-

posed that some of the evidence, being *ex parte*, would be excluded, but finding it not, I handed all the package to Judge Tunstall—that is, all be handed to me. Judge Tunstall and myself room together. I did not consider that either of us was acting improperly, as I considered he was employed in a confidential capacity, and I had the utmost confidence in his fidelity. I had been permitted by Judge Baker and clerks Varnell and Slater, to look at the testimony whenever I chose. I did not look to see if all the papers were there, as I did not remember them all, and do not at this time. Some papers might have been missing without attracting my attention. I paid but little attention to Dillard's evidence, and especially to his interrogatories, for I looked upon them as only propounded for delay, and of no moment. I do not remember to have seen any interrogatories among the papers handed to me by Judge Tunstall. I think I have read Dillard's interrogatories and the answers, as I have read all the evidence given in the case. I do not remember to have seen them among the papers handed to me by Tunstall. Mr. Tunstall was present all the time, which was perhaps five minutes, while I was looking at the papers.

I am here as a witness, summoned in the English and Elam cases before the House. I am a claimant for a seat in their case, which is from the same district as Dillard claims to represent. I am here as a witness, regularly summoned by the Committee on Privileges and Elections.

A. T. MONROE,

Sworn to and subscribed before me, this April 7, 1871.

E. L. DOHONEY,
Chairman.

D. W. Cole being sworn states on oath that he is a member of the Senate Standing Committee on Privileges and Elections, and as such I was present a portion of the time during the investigation of the case in reference to the seat of Senator J. E. Dillard before said committee. I examined the testimony after it was all taken. We examined the testimony on the morning that the committee acted on the case, which I believe was on Saturday before the report was made to the Senate. I did not have the evidence in my possession afterward. At the time we examined the evidence, which was on the morning of the day we passed on the case, in the evening, to the best of my recollection, the depositions of J. W. Vining, two of the Dillards and R. B. Reagan were there with the papers. The reason I remember this is because Senator Dillard came before the committee and made a statement and called our attention to the

various depositions by name, reading and explaining the testimony at the time. Senators Hertzberg and Gaines were examining the testimony the last I saw of it. I was not present when Senator Broughton wrote the minority report, but afterwards examined said report and signed the same. Judge Varnell was the clerk of the Committee on Privileges and Elections until his sickness. I do not know who was appointed after Varnell's inability to act. W. V. Tunstall was a witness in the case against Senator Dillard. I do not know whether Mr. Tunstall took an active part against Senator Dillard.

D. W. COLE.

Sworn to and subscribed to before me, this April 7, 1871.

E. L. DOHONEY.

Chairman.

Reports read and laid over under the rules and, on motion of Senator Pickett, two hundred copies of the majority and minority reports were ordered to be printed.

BILLS AND RESOLUTIONS.

By Senator Pickett: a bill (Senate bill No. 332) to be entitled "An act regulating appeals in criminal cases, and allowing fees to the clerk of the Supreme Court." Read first time and referred to the Committee on Judiciary.

By Senator Pickett: a bill (Senate bill No. 333) to be entitled "An act to incorporate the Mississippi and Rio Grande Canal Company." Read first time and referred to the Committee on Internal Improvements.

By Senator Parsons: a bill (Senate bill No. 334) to be entitled "An act to encourage the holding of industrial fairs by exempting certain property from taxation." Read first time and referred to Committee on State Affairs.

By Senator Mills: a bill (Senate bill No. 335) to be entitled "An act supplementary to 'an act to incorporate the Huntsville Branch Railway Company, approved April 4, 1871.'" Read first time and referred to the Committee on Internal Improvements.

By Senator Bell: a bill (Senate bill No. 336) to be entitled "An act for the protection of tax-payers." Read first time and referred to the Committee on Judiciary.

By Senator Hall: a bill (Senate bill No. 337) to be entitled "An act to incorporate the Hearne and Little Brazos Bridge Company." Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hall: a bill (Senate bill No. 338) to be entitled "An

act to incorporate the Little Brazos and Robertson County Bridge Company." Read first time and referred to Committee on Roads, Bridges and Ferries.

Under direction of the President the Secretary carried to the House the following House bills, informing the House that the Senate had passed the same, without amendments :

House bill No. 44, "An act to make an appropriation to pay the late assessors and collectors for taking the scholastic census in the several counties of this State."

House bill No. 69, "An act to amend an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and other duties,' approved August 13, 1870."

House bill No. 307, "An act for the protection of the growth of pecan timber."

House bill No. 391, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870."

Also transmitting for concurrence the following Senate bills :

Senate bill No. 9, "An act authorizing the county courts to sell the school lands situated in their respective counties."

Senate bill No. 217, "An act to incorporate the town of Ysleta, in El Paso county."

Message from the House by Chief Clerk, informing the Senate the House had passed substitute Senate bill No. 166, "An act to organize and maintain a system of public free schools in the State of Texas."

Also, Senate bill No. 303, "An act providing for the transfer of certain causes pending in the District Court of Polk county from the county of Polk to the county of San Jacinto."

Also, informing the Senate that the House has agreed to Senate amendment to House bill No. 47 and the caption thereof, now entitled "An act supplemental to and amendatory of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, A. D. 1870."

Also, transmitting for concurrence House bill No. 378, "An act to incorporate the city of Waco." Read first time and referred to the Committee on State Affairs.

House bill No. 435, "An act to incorporate the city of Huntsville, in Walker county, Texas." Read first time and referred to the Committee on State Affairs.

House bill No. 437, "An act to incorporate the town of Sulphur Springs, in Hopkins county." Read first time and referred to the Committee on State Affairs.

House bill No. 460, "An act to authorize Howard Keyes to erect a toll bridge at Crockett's Bluff on Sabine river." Read first time and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 488, "An act to incorporate the town of Lancaster, in Dallas county." Read first time, and referred to the Committee on State Affairs.

House bill No. 492, "An act to authorize W. H. McVey to erect a toll bridge over Red Oak creek, in Ellis county, on the road leading from Lancaster, in Dallas county, to Chatfield Point and Corsicana, in Navarro county." Read first time, and referred to the Committee on Roads, Bridges and Ferries.

Also, transmitting for signature the following enrolled House bills:

House bill No. 33, "An act to incorporate the Austin Gymnastic Association."

House bill No. 67, "An act making an appropriation for the payment of the salaries of the officers of the State Penitentiary, now unpaid, and other purposes."

House bill No. 75, "An act to authorize G. W. B. T. Davis to erect a toll bridge over Pin Oak creek, in Navarro county."

House bill No. 107, "An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas."

House bill No. 126, "An act to amend section twelve of 'an act prescribing the times of holding the district courts in the several judicial districts in the State of Texas,' approved August 10, 1870."

House bill No. 139, "An act to incorporate the Liberty, Texas, Agricultural and Mechanical Association."

Also, re-enrolled House bill No. 77, "An act to amend an act entitled 'an act to incorporate the Caddo Lake Manufacturing Company,' approved November 1, 1866."

Enrolled House bills signed by the President and returned to the House.

Also, returning the following enrolled Senate bills, informing the the Senate the Speaker had signed the same in open session:

Senate bill No. 114, "An act to authorize A. R. Parsons and J. A. Helms to erect a toll bridge over Richland creek, in the county of Navarro."

Senate bill No. 37, "An act to incorporate the Cuero Bridge Company."

Senate bill No. 279, "An act to incorporate the Belton Bridge Company."

Senate bill No. 38, "An act to incorporate the Kemper City Bridge Company."

Senate bill No. 151, "An act to incorporate the city of Groesbeck, in Limestone county."

Senate bill No. 250, "An act to authorize Henry W. Jones, his associates and successors to construct, own and keep a toll bridge on Sulphur fork of Red River."

Senate bill No. 201, "An act to authorize the County Court of Robertson county to levy and collect a special tax for the term of two years, to build a court house and jail in the city of Calvert, the county seat of said county."

Enrolled Senate bills signed by the President of the Senate.

BILLS ON THEIR THIRD READING.

House bill No. 120, "An act to authorize the presiding justices of the several counties to perform certain acts for the benefit of idiots and insane persons." Read third time and passed.

By leave, Senator Mills offered the following resolution:

Resolved, That when any instrument of writing has been transmitted to the Senate and ordered to be printed, it shall be the duty of the Secretary, or some one of his assistants, to superintend the same, and that no outside party be allowed in any way to handle any paper or papers belonging to the Senate.

Senator Dohoney offered the following substitute:

Resolved, That whenever the Senate orders the printing of any document, paper or papers, that it shall be the duty of the Secretary of the Senate to deliver the same to the Chairman of the Committee on Printing, in order to have the same printed.

Senator Gaines moved that the resolution and substitute be referred to the Committee on Privileges and Elections.

Yeas and nays called for and motion carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Saylor, Tendick—17.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Shannon—9.

BILLS ON THIRD READING—Resumed.

House bill No. 60, "An act to incorporate the town of Cleburne, in Johnson county." Read third time and passed.

GENEAL FILE.

House bill No. 218, "An act to authorize the County Court of Titus county to issue interest-bearing bonds, and to levy a tax to pay the same." Read second time.

On motion of Senator Pyle the rules were suspended and House bill No. 218 read third time and passed.

UNFINISHED BUSINESS.

House bill No. 208, "An act to incorporate the Little Brazos river Bridge Company."

Senator Ford moved to fill the blank in the Senate amendment by inserting the word "ninety." Carried.

Senator Ford moved to reconsider the vote by which the following amendment was adopted:

In the ninth line of section four after the word "company" strike out "may" and insert the word "shall," so as to read "that said company shall keep a ferry boat." Motion carried, and on further motion of Senator Ford the amendment was rejected.

On motion of Senator Ford the rules were suspended and House bill No. 208 passed.

By leave Senator Fountain submitted the following report of the Committee on Judiciary :

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 218, entitled "An act to amend 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county' passed August 2, 1870," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read and laid over under the rules.

Senator Hertzberg moved that a committee of conference be appointed to confer with a like committee on the part of the House, on House bill No. 25, "An act to incorporate a gymnastic association at New Braunfels, under the name and style of Turnverein New Braunfels." Carried.

The Chair appointed as such committee Senators Hertzberg, Tendick and Evans.

Under direction of the President, the Secretary, carried to the House for signature the following enrolled Senate bills :

Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements."

Also, Senate bill No. 129, "An act to authorize T. S. Garrison to erect a toll bridge over Atoyac river, in Rusk county, Texas."

Also, Senate bill No. 113, "An act to authorize the erection of a toll bridge over Rusk creek, in Navarro county, Texas."

Also, House substitute Senate bill No. 156, "An act to invest the principal of the perpetual school fund." Signed by the Speaker, returned to the Senate and signed by the President.

11:30 o'clock, A. M.

The hour for special order report of Committee on Privileges and Elections, in the case of Senator J. E. Dillard, of the Third Senatorial District, having arrived, Senator Pickett moved that the special order be postponed, in order to allow him to introduce a resolution. Yeas and nays called for and the motion lost by the following vote:

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Pyle, Shannon—10.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—15.

SPECIAL ORDER—Resumed.

Senator Dohoney offered the following resolution:

Resolved, That the further consideration of the resolution declaring the seat of Hon. J. E. Dillard, Senator from the Third Senatorial District vacant, be postponed until the fifth day of May, 1871, in order to give Senator Dillard time to retake the depositions which have been lost or abstracted from the papers pertaining to said case.

Senator Ruby moved to reject the resolution.

Senator Hall moved a call of the Senate. Call sustained.

Absent—Senators Pridgen and Tendick.

Absent—excused—Senators Bowers and Flanagan.

[Senator Fountain in the chair.]

On motion of Senator Pickett, the call was suspended.

[President resumed the chair.]

On motion of Senator Ruby, the Secretary was instructed to inform the House of Representatives that the Senate was under a call when the committee from that body demanded admittance; that the call was now suspended, and the Senate ready to receive any message that the House might desire to present.

12 o'clock M.

The hour for special order, Senate bill No. 308, "An act to organize the Bureau of Immigration," having arrived, on motion of

Senator Parsons, it was postponed and Senate bill No. 308 made the special order for Wednesday next at 11 o'clock A. M., and to continue from day to day until disposed of.

Message from the House by the Chief Clerk, as follows :

Hon. DON CAMPBELL,

President of the Senate :

SIR: I am instructed to inform you that the House of Representatives has this day adopted articles of impeachment against Hon. Wm. H. Russell, Judge of the Fifteenth Judicial District, of high crimes and misdemeanors in office and for incompetency, and has appointed as managers Messrs. Schutze, McLean, Butler, Chambers and Jo. Abbott; and has ordered that the articles agreed to be exhibited in the name of themselves and of all the people of the State of Texas against Wm. H. Russell, in maintenance of their impeachment against him of high crimes and misdemeanors in office and for incompetency, before your honorable body.

Respectfully,

ED. KETCHUM,
Chief Clerk H. R.

Also, returning to the Senate Senate bill No. 106, "An act for the relief of W. H. Dangerfield," passed by the House.

By leave, Senator Pickett offered the following resolution:

Resolved, That at 12 o'clock to-morrow, the Senate will resolve itself into a Court of Impeachment, at which time the following oath or affirmation shall be administered by the Secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of William H. Russell, Judge of the Fifteenth Judicial District, I will do impartial justice, according to law;" which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment, in the name of themselves and of all the people of the State of Texas, against William H. Russell, Judge of the Fifteenth Judicial District, pursuant to notice given to the Senate this day by the House of Representatives that they had appointed for the purpose aforesaid. Adopted.

By leave, Senator Pickett offered the following resolution :

Resolved, That after the managers of the impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against William H. Russell, the President of the Senate shall direct the Sergeant-at-Arms to make proclamation; who shall, after making proclamation, re-

peat the following words : "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the State is exhibiting to the Senate of the State of Texas articles of impeachment against William H. Russell, Judge of the Fifteenth Judicial District," after which the articles shall be exhibited and then the President of the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

Adopted.

SPECIAL ORDER—Resumed.

Report of Committee on Privileges and Elections in the case of Hon. J. E. Dillard.

Senator Pickett moved that the Senate adjourn to 3 o'clock this P. M.

Yeas and nays called for and motion lost, by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pettit, Pickett, Pyle, Shannon, Tendick—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Rawson, Ruby, Saylor—14.

Senator Pickett moved that the Senate adjourn to 10 A. M. tomorrow. Yeas and nays called for and motion lost by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Pyle, Saylor, Shannon, Tendick—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby—15

The question recurring upon the motion to reject the resolution offered by Senator Dohoney, the yeas and nays were called for and the resolution rejected by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Pyle, Shannon—10.

Senator Pickett moved that the further consideration of the case of Hon. J. E. Dillard, Senator from the Third District, be postponed and made the special order for to-morrow, at 10:30 A. M., and that Senator Dillard be allowed to appear with his counsel, C. S. West, Esq.

Yeas and nays called for, and motion lost, by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Pyle, Shannon—10.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—16.

Senator Ruby moved the previous question. Previous question seconded.

The question being "Shall the main question now be put?" the yeas and nays were called for and the main question (being the adoption of the resolution reported by the majority of the Committee on Privileges and Elections) was ordered, by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—16.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Pyle, Shannon—10.

Senator Ruby called to the chair.

Reading of the evidence taken before the Committee on Privileges and Elections was called for and read.

Senator Parsons rose to a question of order and asked that the evidence of George W. Taylor, Nathaniel Hillen, R. B. Reagan, Daniel Egbert and Warren Vining, the loss of which was made the basis for a motion for a continuance of this case, be supplied from the records of the House, and that the evidence of these same witnesses in said election case in the House on the question of a fair election in said county, be read.

The following evidence was then read.

CONTESTED ELECTION PENDING IN THE HOUSE OF REPRESENTATIVES OF THE STATE OF TEXAS.

Answers and depositions of Geo. W. Taylor, Nathaniel Hillen, R. B. Reagan, Daniel Egbert and Warren Vining, to the accompanying interrogatories propounded to them in the above entitled cause, taken before Thomas E. Hogg, Notary Public of Cherokee county:

ANSWERS OF J. W. VINING:

Answer to Interrogatory 1—I reside in Cherokee county, and have resided there for twenty-two years; my acquaintance with the people throughout the county is pretty general.

Answer to Interrogatory 2—I was in the town of Rusk during the election held at the time mentioned in this interrogatory: I did not act in any official capacity during said election.

Answer to Interrogatory 3—So far as my knowledge extends,

the electors were allowed to cast their votes freely; I know of no person or persons being prevented from voting freely or from attending the election, by fraud, force, violence or intimidation, or other undue influences at said election: there was no distinction on account of race, color, or political belief, which tended to restrict or abridge any man's political rights or opinions.

Answer to Interrogatory 4—I heard neither political party complain at the conduct of the election or of frauds on the part of the other.

Answer to Interrogatory 5—I heard J. R. Montgomery, one of the Board of Election, state after the election was over, that the election, so far as he could see, was very fairly and peacefully conducted; he spoke in complimentary terms of the election; only stating one instance of unfairness, which was, that he had heard of some one snatching a ticket from some one else; with this exception he said the election was conducted entirely according to the provisions of the election law. The officers who conducted the election were L. D. Saunders; J. T. Gibson and J. R. Montgomery. Board of Election—W. L. David, Registrar, and Jo. L. Long and W. W. Briggs, Clerks.

Answer to Interrogatory 6—I have never attended elections elsewhere than in Cherokee county; I have attended elections in Cherokee for the last fifteen years; the recent election, so far as I could observe, was more quiet and peaceful than elections usually have been in my experience.

Answer to Interrogatory 7—I think 2400 will probably cover the registered vote of this county; this is my opinion; there was something over six hundred colored voters registered prior to the last registration; I know not how many colored Democrats there are in the county; I suppose there are about seventy-five Republican white voters in this county.

Answer to Interrogatory 8—I saw only one flag, and this was nailed to the southwest corner of the court house; I paid no attention to it and therefore can't describe it.

Answer to Interrogatory 9—I know nothing of this only from hearsay.

Answer to Interrogatory 10—I know nothing of the kind.

Answer to Interrogatory 11—General A. T. Monroe was in attendance on the election; I know not as to the remainder of this interrogatory.

Answer to Interrogatory 12—Not that I know of.

ANSWERS OF WITNESS TO CROSS-INTERROGATORIES.

Answer to Cross-Interrogatory 1—I did not so state.

Answer to Cross-Interrogatory 2—I saw no fire arms.

J. W. VINING, P. M.

ANSWERS AND DEPOSITIONS OF G. W. TAYLOR.

Answer to Interrogatory 1—I reside in Cherokee county, two miles from Rusk; I have resided in said county for over twenty years; my acquaintance is extensive throughout the county.

Answer to Interrogatory 2—I was at the town of Rusk at the time of the special election held 28th, 29th and 30th November, and the first day of December, 1870; I was summoned as a guard to watch the polls and see that all was conducted properly; I was summoned by the Sheriff, and was told by him that Col L. D. Saunders and W. L. David would give me instructions what to do.

Answer to Interrogatory 3—I saw no elector interfered with except in the case of A. T. Monroe, who frequently attempted to change the tickets of freedmen, that is by electioneering with them; tried to get them to change their votes and vote for him; I saw no one prevented from voting by force, fraud, intimidation, violence or other undue influences, and if any person or persons were prevented from attending the election by these means I have not heard of it; if there was any distinction made because of race, color or political belief, I do not know of it; I was instructed by L. D. Saunders and W. L. David to admit only two voters in the hall adjacent to the polls at once; and if there were any freedmen about, we were ordered to bring a white man and a freedman side by side so as to give each race an equal showing, which was done.

Answer to Interrogatory 4—I heard no complaint made excepting that Col. L. D. Saunders, of the Board of Election, told me that Colonel David, the Registrar, wished to send up a statement to Austin as to the unfairness of the election, but that he, Saunders, was opposed to it, as he considered the election fair.

Answer to Interrogatory 5—I heard Colonel L. D. Saunders state on the day after the election, that it was as fair an election as he ever saw. The officers who conducted the election were L. D. Saunders, J. R. Montgomery and Jo. T. Gibson, who constituted the Board of Election; W. L. David, Registrar, and Jo. L. Long, and W. W. Briggs, clerks.

Answer to Interrogatory 6—I have attended elections in Cherokee county for the last twenty years or more; I have also attended elections in Mississippi and Alabama, and I regarded the election spoken of in this interrogatory as the fairest, most peaceful and quiet election I have ever attended anywhere; there was less electioneering and striving to secure votes than I ever saw at any election before.

Answer to Interrogatory 7—I can't tell the number of registered

voters; I think there is one hundred and seventy-five or two hundred colored Democratic voters in this county; this is my opinion; I do not suppose that there is more than seventy-five or one hundred white Republican voters.

Answer to Interrogatory 8—I saw two flags; one was nailed up to the southwest corner of the court house; I do not know what kind of a flag it was, never having noticed it particularly; the other was brought into town by some freedmen; I know not the character of this flag.

Answer to Interrogatory 9—I never saw the flag molested; I do not know what became of it; the last I saw of it, I think, it was tied up to a tree in the court house yard.

Answer to Interrogatory 10—I did not, that I recollect of.

Answer to Interrogatory 11—Gen. A. T. Monroe was in attendance during the election at Rusk; he was actively electioneering among the freedmen and would meet them as they came into the court house yard, and would hold the freedmen frequently as they were going up the steps to the voting place, trying to get them to vote for him; he at the same time said publicly, more than once, if any man attempted to influence or interfere with the freedmen, he would have them arrested; I considered his expressions rather violent towards his political opponents and the Democratic party.

Answer to Interrogatory 12—If the polls were at any time closed on account of any riotous proceedings, I never knew or heard of it.

ANSWERS OF WITNESS G. W. TAYLOR TO CROSS-INTERROGATORIES.

Answer to Cross-interrogatory 1—I acted in the capacity of a guard or policeman; was summoned by the Sheriff, R. B. Reagan, and placed under the control of L. D. Saunders, chief of the Board of Election, and W. L. David, Registrar, who instructed me to keep the voters from crowding the polls, and insure to all an equal showing; when there were white and colored voters in waiting to vote, I was instructed to cause one white man and one freedman to approach the polls and vote together, and to see that they cleared the way for the others; I was not sworn.

Answer to Cross-interrogatory 2—I saw no fire-arms.

GEORGE W. TAYLOR.

ANSWERS AND DEPOSITIONS OF WITNESS R. B. REAGAN.

Answer to Interrogatory 1—I reside in Cherokee county and have so resided for the last twelve years; my acquaintance throughout the county with the people, is very general and extensive.

Answer to Interrogatory 2—I was in the town of Rusk, Cherokee county, at the time of said election; I was acting in the capacity of sheriff, and was in attendance on the District Court, which was then in session.

Answer to Interrogatory 3—So far as I saw the electors of this county voted freely, with one exception, which was as follows: A white man, by the name of Landrum, came to me and asked me for a Democratic ticket; I gave him a ticket and he started towards the polls for the purpose of voting; R. M. Saunders (Republican) took hold of Landrum's arm and led him off some thirty steps from the polls, and gave Landrum a Republican ticket; Landrum and Saunders talked together for some time, and Landrum came back from where they were talking and remarked as he passed by me, if he couldn't get to vote as he wanted to, he wouldn't vote at all, and as he spoke tore a Republican ticket in two and threw it down; he left the court house yard immediately, and if he voted at all I do not know of it. I know of no other instance of any person or persons being prevented by force, fraud, violence or intimidation from voting at said election; nor do I know of any one prevented from attending the election by these means; I saw no distinction on account of race, color or political belief, that tended to restrict or abridge any man's political rights or opinions.

Answer to Interrogatory 4—I heard no complaint by either political party.

Answer to Interrogatory 5—I heard L. D. Saunders say after the election was over, that the election had been fair and peaceable. J. R. Montgomery also said after the election, that the same was fair, and that he had seen nothing wrong; I moreover heard L. D. Saunders state on the same occasion, that he, (Saunders,) was the man that should have run the race against Dillard; that Lane the Republican candidate had sat during the whole election in Colonel David's office and smoked his pipe; not making any efforts to get votes; he also stated that he was proud to say, that he had come to hold the election, and he had done so to the satisfaction of all parties; he said the Republicans were fairly beaten; he made the latter statement repeatedly and seemed to enjoy the defeat as well as any one else. I also heard Joseph T. Gibson one of the board of election say, that the Republicans were fairly beaten, and that he was satisfied with the result. L. D. Saunders, J. R. Montgomery and J. T. Gibson, constituted the Board of Election; W. L. David, Registrar, and J. L. Long and W. W. Briggs, clerks, conducted the election.

Answer to Interrogatory 6—I have attended elections in Cherokee county for the last twelve years; I have also attended elections in

Tennessee and Georgia, and I have never in life seen a more fair, peaceful and quiet election.

Answer to Interrogatory 7—I am not informed as to the total number of voters registered; there are probably one-fourth of the registered voters black; I suppose there are about two hundred Democratic colored voters in this county; from sixty to seventy-five I suppose would be the white Republican vote of the county.

Answer to Interrogatory 8—I saw, I think, two flags; one was nailed to the southwest corner of the court house, and I took it to be a United States flag; I did not notice particularly as to its character. I also saw a flag brought in by some freedmen from towards Jacksonville; I do not think the flag they brought in was a United States flag; I think the stripes or bars ran up and down instead of parallel; I saw no particular inscription or marks about either of the flags.

Answer to Interrogatory 9—I saw the flag brought in by colored voters from about Jacksonville; they came into town beating a drum and singing, which disturbed the court, in session, and I was ordered to go down and stop the noise; the flag was not molested that I know of; Dave Kennedy, f. m. c., the bearer of the flag, carried it back home with him.

Answer to Interrogatory 10—I know of no fighting, quarreling, or arrests.

Answer to Interrogatory 11—Gen. A. T. Monroe was present during the election; he was very busy electioneering, and was more active than any man I saw electioneering.

Answer to Interrogatory 12—The polls were not closed on account of any disturbance that I know of.

ANSWERS OF WITNESS TO CROSS-INTERROGATORIES.

Answers to Cross-interrogatory 1—I am sheriff of Cherokee county, and acted in that capacity during the time of the election.

Answer to Cross-interrogatory 2—I saw no fire arms or other deadly weapons inside the corporation of Rusk, during the said election.

R. B. REAGAN.

ANSWERS OF WITNESS DAN EGBERT.

Answer to Interrogatory 1—I reside in Cherokee county, and have resided there for fourteen years; my acquaintance with the people of this section of the country is pretty general.

Answer to Interrogatory 2—I was in Rusk; I acted in no official capacity, except that I was present when the votes were counted.

Answer to Interrogatory 3—So far as I know, the electors were at liberty to cast their votes freely; if any person or persons were by fraud, force, violence or intimidation, or other undue influences, prohibited from voting or of attending said election, I do not know of it. There was no distinction made on account of race, color, or political belief, that tended to abridge or restrict any person's political rights or opinions that I heard of.

Answer to Interrogatory 4—I do not recollect that I did hear any complaint.

Answer to Interrogatory 5—I have not heard any officer of the election, except that, to the best of my recollection, during the time the votes were being counted, Colonel Saunders remarked that all had passed off right; the officers who conducted the election were Colonel David, the registrar, Colonel Saunders, Jo. T. Gibson and J. R. Montgomery, the board of election; and W. W. Briggs and Jo. L. Long, clerks.

Answer to Interrogatory 6—I have attended many elections in this county and elsewhere, and I have never seen a more peaceful, fair and quiet election than the last election held here.

Answer to Interrogatory 7—I am not prepared to answer this interrogatory; so far as the registered vote is concerned, I suppose that ———

Answer to Interrogatory 8—I saw three flags, one was tacked on the southwest corner of the court house, by General Monroe; this was said to be a United States flag; another was a flag tied to a tree in the court house yard, and was said to be a tournament flag; I do not remember its particular description, but I think it had the names of Dillard, Elam and English pasted on it; the other flag was brought into town by a band of freedmen; I never went about this, and therefore cannot give its description.

Answer to Interrogatory 9—I know not whether it was molested or not; it came into Rusk on Monday, the first day of the election; I know nothing of its being trampled or spit upon; it was in the hands of a negro when I saw it, and was not disturbed.

Answer to Interrogatory 10—I saw none.

Answer to Interrogatory 11—Gen. A. T. Monroe was at Rusk during the election; he seemed to be very zealous in electioneering with freedmen; I do not know as to his using any violent expressions.

Answer to Interrogatory 12—I do not know that the polls were closed because of any disturbance.

ANSWERS OF WITNESS DAN EGBERT TO CROSS-INTERROGATORIES.

Answer to Cross-interrogatory 1—I did not act in any official capacity; I was present during the counting of the vote, by request of Col. Saunders, Judge Dillard, and others.

Answer to Cross-interrogatory 2—I saw no one carrying firearms, or other deadly weapons, during the election.

DAN EGBERT.

The question recurring on the adoption of the resolutions offered by the Committee on Privileges and Elections, as follows:

Resolved, That James E. Dillard is not legally entitled to a seat as Senator on this floor.

Resolved, That the seat now occupied by James E. Dillard be declared vacant.

The yeas and nays called for, and the resolutions adopted by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Evans, Latimer, Pickett, Pyle, Shannon—10.

Senator Parsons moved that the evidence of George W. Taylor, Nathaniel Hillen, R. B. Reagan, Daniel Egbert and Warren Vining, as read, be made a part of the official records in the hearing of this cause by the Senate and be spread upon the journals, which motion was adopted.

By leave, Senator Pridgen submitted the following report of Committee on Public Lands:

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Lands, to whom was referred Senate bill No, 92, entitled "An act authorizing Commissioner of General Land Office to purchase one hundred copies of Book of Valid Land Certificates for the use of surveyors, to prevent the location of fraudulent land certificates, have considered the same, and instruct me to report it back to the Senate, and recommend that it do pass, with the following amendments, viz:

Amend line five, section one, by inserting after the word "hundred" the words "and thirty," and strike out, in line eight, section

one, the word "surveyors" and insert in lieu thereof the word "court."

B. J. PRIDGEN,
Chairman.

Report read and laid over under the rules.

On motion of Senator Fountain, the Senate, at 5 o'clock P. M., adjourned to 10 o'clock A. M. to-morrow.
